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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91228293
Party	Plaintiff GoPro, Inc.
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Attachments	GOPX Opposition to Motion for Extension of Time to Answer.pdf(2196425 bytes )

IN THE  
UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of  
Trademark Application Serial No.: 86/641,007  
Filed: May 26, 2015  
Published: December 8, 2015  
Mark: GOPX

GoPro, Inc.	)	
	)	
	)	
v.	)	Opposition No. 91228293
	)	
Kamran Ranjbar Nikkhah,	)	
	)	
Applicant.	)	
	)	

OPPOSITION TO MOTION FOR EXTENSION OF TIME TO ANSWER

Opposer respectfully requests that the Board deny Applicant's Motion For Extension of Time To Answer filed October 3, 2016, because it does not meet the basic requirements of Fed. R. Civ. P. 6(b) and TBMP 509.01(a). More specifically, Applicant has failed to provide good cause for why it needs ninety more days to respond to the opposition. Applicant has already had more than four months to respond to the opposition. It is time to move this matter forward. Applicant also misrepresented to the Board that he had Opposer's consent in filing the motion, as Opposer never consented to a further extension of any opposition deadlines.

Pursuant to Fed. R. Civ. P. 6(b), a motion to extend time may be granted for good cause, but the motion must also, according to TBMP 509.01(a), "... set forth with particularity the facts said to constitute good cause for the requested extension; mere conclusory allegations lacking in factual detail are not sufficient." TBMP 509.01(a) continues with: "Moreover, a party moving to extend time must demonstrate that the requested extension of time is not necessitated by the party's own lack of diligence or unreasonable delay in taking the required action during the time previously allotted therefor. The Board will 'scrutinize carefully' any motion to extend time, to determine whether the requisite good cause has been shown."

Here, Applicant has requested an extension of time to file an Answer on the sole grounds that *"because of some official-business works"* he needs to leave United States and *"will be abroad during that time."* However, the ninety day extension requested by Applicant is completely unnecessary and amounts to an unreasonable delay. Applicant has already had four months to prepare a response to the Notice of Opposition, which was filed on June 6, 2016. Beyond the forty days from the mailing date of the Notice of Opposition, Applicant requested a three-month extension of time, for ninety days, which was granted by the Board. It is unclear why Applicant did not use at least some of this time to decide on a response, or to contact Opposer to negotiate a settlement. In the initial motion, Applicant indicated that he had Opposer's consent to the three-month extension when in fact Opposer only consented to a 30-day extension; Opposer chose not to challenge this earlier misrepresentation by the Applicant.

Similarly, in the present motion, Applicant has again indicated that he has obtained the consent of all parties to the action prior to requesting the extension. This is not accurate; applicant did not request Opposer's consent to a further three-month extension, and Opposer would not have consented to such an extension if Applicant had requested Opposer's consent. It is unclear why Applicant needs another three months to determine his response to the opposition as Applicant offers no facts to explain his delay. Moreover, his misrepresentation regarding Opposer's consent to the motion should not be condoned. Given that he has no reasons to justify its delay, and Opposer did not and does not consent to a further extension, Applicant's Motion should be denied.

Furthermore, Applicant's Motion fails to comply with the Board's rules; it provides no facts constituting good cause, let alone providing facts set forth with particularity. The need to travel outside the country on business does not constitute good cause, particularly since Applicant has had plenty of opportunity (four months) to respond to the Notice of Opposition, has not indicated for what period of time he will be out of the country (e.g., whether it is for the entire three month period or for some significantly shorter segment of time), and given the ease in responding to the Notice of Opposition even from outside the US, and that fact that he can continue to defend the action in a variety of ways once the Answer has been filed.

In light of the above, Opposer requests that the Board deny Applicant's Motion. Under TBMP Section 509.01(a), Opposer further requests that in denying Applicant's Motion, that the Board keep the trial dates as previously set. Alternatively, if the Board grants Applicant's Motion for some period less than the full 90-days requested, Opposer respectfully requests that the Board reset the trial dates so that the proceedings will promptly proceed in a timely manner without further unreasonable delay and without prejudicing Opposer.

A Proof of Service by Email accompanies this Motion.

Respectfully submitted,

Dated: October 4, 2016

/cle1087/  
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PROOF OF SERVICE

I declare that:

I am employed in the County of Santa Clara, California.

I am over the age of eighteen years and not a party to the within cause; my business address is Silicon Valley Center, 801 California Street, Mountain View, California 94041. On the date indicated below, I served the within OPPOSITION TO MOTION FOR EXTENSION OF TIME TO ANSWER, on the interested parties in said cause, by placing a true copy thereof as indicated below, addressed as follows:

Kamran Ranjbar Nikkhah  
Email: info@gopx.com

- ☒ **BY E-MAIL:** by mutual agreement between the parties, causing to be transmitted via e-mail the document(s) listed above to the addressee(s) at the e-mail address(es) listed above.

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed at Mountain View, California, this 4<sup>th</sup> day of October, 2016.

  
Jennifer Davis Rink